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PCT/KR2004/003511

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

YOU ME PATENT AND LAW FIRM

Seolim Bldg., 649-10, Yoksam-dong, Kangnam-ku, Seoul,
135-080, Republic of Korea

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)



Date of mailing
(day/month/year) **13 APRIL 2005 (13.04.2005)**

Applicant's or agent's file reference

OPP040374KR

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/KR2004/003511

International filing date (day/month/year)

29 DECEMBER 2004 (29.12.2004)

Priority date(day/month/year)

29 DECEMBER 2003 (29.12.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC7 H04L 1/18

Applicant

Electronics and Telecommunications Research Institute et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR



Korean Intellectual Property Office
920 Damsan-dong, Seo-gu, Daejeon 302-701,
Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

UHM, In Kwon

Telephone No. 82-42-481-5712



WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/KR2004/003511

Box No. **Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b))
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claim invention, this opinion has been established on the basis of:
 - a. type of material
 - ☐ in sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ written format
 - ☐ in computer readable form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/KR2004/003511

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1	YES
	Claims	2-13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations :

Reference is made to the following documents:

D : US5519223 B1(2003.02.11)

NOVELTY

D doesn't teach the step of determining whether maximum management time of its transmitter is exceeded, described in the claims 1-13

Therefore, the invention according to claims 1-13 is considered to be novel.

INVENTIVE STEP

The claims 1-13 relate to a method for retransmitting packets in mobile communication system and computer-readable medium recorded program thereof.

D relates to a telecommunications system and method for implementing a semi-reliable retransmission protocol that utilizes both selective repeat ARQ and segmentation and assembly of data packets.

The claim 1 is similar to D in that a data packet is discarded if preset retransmission time of it is exceeded. It is a little bit different, however, from D in that it determines whether maximum management time of its transmitter is exceeded while D determines whether maximum delay allowed for transmission of data packets is exceeded. But it is no more than difference of expressions which means that the data packet is discarded if the time for the data packet exceeds.

Therefore, the claim 1 lacks an inventive step under PCT Article 33(3) as being obvious over D.

INDUSTRIAL APPLICABILITY

The subject matter of claims 1-13 fulfills the requirements of Article 33(4) PCT because it is useful.